

Subject Matter: Rezoning (Parcels #0538 093) – 3.97-acres at HWY
314/ New Hope Road intersection
Date of Public Notice in Fayette County News: 2-5-20
Date of Public Hearing and Adoption Before City Council: 05-07-20

**CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA**

ORDINANCE NUMBER 0-2-20

CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS OF FACT

The City of Fayetteville (the “City”), has received an application from **Mr. Winchel Elibert** for initial zoning for property described in Exhibit “A” attached hereto. (Said property shall be referred to herein as “Property”). The City has given notice to the public of this proposed Zoning as required by law and public hearings have been conducted as required by law. The City had complied with the requirements of O.C.G.A. § 36-36-4 and § 36-36-6 prior to the adoption of this ordinance.

ORDINANCE

IT IS HEREBY ADOPTED AND ORDAINED BY THE CITY OF FAYETTEVILLE AS FOLLOWS:

ARTICLE I

The zoning classification of the described property is amended and modified, and the zoning classification of the property described in Exhibit “A” attached hereto and incorporated herein, shall be, and is hereby established as **C-3 Highway Commercial**, pursuant to the City of Fayetteville’s Zoning Ordinance.

The City’s new ordinance classification upon the described property shall become immediately effective. The City’s Official Zoning Map is hereby amended to reflect this rezoning.

ARTICLE II

Any ordinance or part of any ordinance in conflict herewith is hereby repealed.

ARTICLE III

If any section, subsection, sentence, clause, phrase, or other portion of this ordinance for any reason is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

ARTICLE IV

This ordinance shall become immediately effective upon its adoption. Conditions may be included in the minutes of the City Council, which are part of this ordinance, and any representations submitted by the applicant to the City Council, and accepted by the City Council, and reflected in the minutes of the City Council, which representations shall be an amendment to the rezoning application and a part of this ordinance

APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE at a regular meeting of the Mayor and Council on the 7th day of May 2020, by the following voting for adoption:

ATTEST:

Edward J. Johnson, Jr. Mayor

Scott Stacy, Mayor Pro Tem

Anne Barksdale, City Clerk

T. Joe Clark, Council Member

Richard J. Hoffman., Council Member

Darryl Langford, Council Member

Paul C. Oddo, Jr, Councilmember

EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT TRACT or parcel of land lying and being Land Lot 167 of the 5th District of Fayette County, Georgia and being more particularly described as follows:

Begin at the intersection of the northeasterly margin of the right-of-way of New Hope Road (80 foot right-of-way) and the easterly margin of the right-of-way of Georgia Highway 314 (100 foot right-of-way), said point being the TRUE POINT OF BEGINNING, proceed thence along the right-of-way margin of Georgia Highway No. 314 North 01 degree 15 minutes 50 seconds West a distance of 27.85 feet to a point; leaving said right-of-way margin, proceed thence North 88 degrees 02 minutes 50 seconds East a distance of 698.01 feet to a point; proceed thence South 12 degrees 52 minutes 23 seconds West a distance of 463.00 feet to a point on the northeasterly margin of the right-of-way of New Hope Road; proceed thence along said right-of-way margin the following courses and distances: (i) North 62 degrees 40 minutes 47 seconds West a distance of 143.41 feet to a point; (ii) North 59 degrees 09 minutes 34 seconds West a distance of 98.92 feet to a point; (iii) North 56 degrees 20 minutes 58 seconds West a distance of 99.51 feet to a point; (iv) North 53 degrees 57 minutes 48 seconds West a distance of 96.07 feet to a point; and (v) North 52 degrees 10 minutes 55 seconds West a distance of 279.73 feet to a point at the intersection of the northeasterly margin of the right-of-way of New Hope Road and the easterly margin of the right-of-way of Georgia Highway 314, said point being the TRUE POINT OF BEGINNING, containing 4.00 acres, more or less.

LESS AND EXCEPT

ALL THAT TRACT or parcel of land lying and being in Land Lot 167 of the 5th District of Fayette County, Georgia, containing 0.03 acres, and being more particularly described in that certain Department of Transportation Right of way Deed recorded at Deed Book 708, Page 664, Fayette County, Georgia records.